



The New York Times
Company

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VIA ECF

Hon. Gregory H. Woods
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *New York Times v. Dept. of Justice*, 25-cv-562 — Joint Status Report

Dear Judge Woods:

I am legal counsel to Plaintiffs The New York Times Company and its reporter Charlie Savage (together, “The Times”) in the above-captioned Freedom of Information Act (“FOIA”) case against Defendant United States Department of Justice (“DOJ”). Pursuant to the Court’s Order of February 12, 2025 (“Order,” Dkt. No. 13), the parties submit this Joint Status Report.

At issue in this case is access to one volume of the final report (the “Smith Report”) delivered by former Special Counsel Jack Smith to former Attorney General Merrick Garland in January 2025. The Complaint was filed on January 21, 2025. At the request of the parties, this action was stayed by the Order until April 30, 2025 to permit The Times to file an administrative appeal and DOJ to determine The Times’s administrative appeal. The Times subsequently filed an administrative appeal, and DOJ subsequently denied that appeal.

The Times now seeks to pursue this action to challenge that denial. Accordingly, it will file an amended complaint, which will include pleadings concerning the administrative appeal denial, by or before April 30. DOJ anticipates that it will likely move to dismiss the amended complaint (or alternatively for summary judgment), on the ground that disclosure of the requested volume is barred by an injunction issued by the U.S. District Court for the Southern District of Florida. Accordingly, upon review of the amended complaint, DOJ anticipates filing a pre-motion conference

letter within two weeks of the filing of the amended complaint, as set forth in Fed. R. Civ. P. 15(a)(1)(3) and Your Honor's Individual Rules of Practice for Civil Cases § 2(E).

We thank the Court for its consideration.

Respectfully submitted,

David McCraw

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